

Ordinance No: 15-18
Zoning Text Amendment No: 03-25
Concerning: Cemetery and Family Burial
Site – Special Exception Authority
Draft No. & Date: 1 – 9/15/03
Introduced: October 14, 2003
Public Hearing: 11/18/03 – 1:30 p.m.
Adopted: January 27, 2004
Effective: February 16, 2004

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- eliminating authority of the District Council to decide a cemetery and family burial site special exception.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-G-1 “SPECIAL EXCEPTIONS--AUTHORITY AND PROCEDURE”
Section 59-G-1.13 “District Council”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*

Underlining indicates text that is added to existing laws by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment No. 03-25 was introduced on October 14, 2003 to eliminate authority of the District Council to decide a cemetery and family burial site special exception.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved as introduced.

The County Council held a public hearing on November 18, 2003 to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on January 15, 2004 to review ZTA 03-25. The Committee recommended that ZTA 03-25 be approved as introduced. The grant of a special exception for a cemetery and family burial site is the responsibility of the District Council and not the Board of Appeals. It is the only remaining special exception which the District Council decides. ZTA 03-25 would assign the responsibility for deciding a cemetery special exception to the Board of Appeals. The grant of a special exception for a cemetery was once associated with the issuance of a permit which was the responsibility of the Council. This is no longer the case.

The District Council reviewed Zoning Text Amendment No. 03-25 at a worksession held on January 27, 2004 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 03-25 will be approved as introduced.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. Division 59-G-1 is amended as follows:**

2 **DIVISION 59-G-1. SPECIAL EXCEPTIONS—AUTHORITY AND**
3 **PROCEDURE.**

4 **59-G-1.1. Authority to hear and decide petitions.**

5 * * *

6 **59-G-1.13. [District Council.] Reserve.**

7 [The District Council has the sole authority to decide the following special
8 exceptions, subject to relevant provisions of Section 59-G-1.2, Section 59-G-1.3,
9 and Division 59-G-2.

10 Cemeteries and Family Burial Sites.

11 The Hearing Examiner may issue written reports and recommended findings,
12 decisions, orders, and recommend conditions of approval to the District Council on
13 applications for these special exceptions.]

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15 **Sec. 2 Effective date.** This ordinance becomes effective 20 days after the
16 date of Council adoption.

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18 This is a correct copy of Council action.

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22 _____

23 Mary A. Edgar, CMC

24 Clerk of the Council